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EXAMINER	
CHANKONG, DOHM	
ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/991,090	VOSSLER, STEPHEN P.	
	Examiner	Art Unit	
	DOHM CHANKONG	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,7,11,13,15,16 and 18-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,7,11,13,15 and 18-21* is/are rejected.

7)☒ Claim(s) *16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to Applicant's remarks, filed on 3.20.2008. Claims 1, 3, 4, 7, 11, 13, 15, 16, and 18-21 are presented for further examination.

2. This action is a final rejection.

Response to Arguments

I. The §112, 2nd paragraph rejections are withdrawn.

In response to the §112, 2nd paragraph rejections of apparatus claims 1, 7, and 21 for failing to provide adequate written description for the "means for" language, Applicant argues that there is sufficient disclosure in the specification to overcome this rejection. Applicant points to the LAN 110 or VAN 124 to perform any one or more of the steps of method 300 and the logical routines of either the LAN of VAN to estimate the present time available. As to the specific means, Applicant points to various sections in the specification asserting that software performs all the means as claimed.

"Structure disclosed in the specification is 'corresponding' structure only if the specification or prosecution history clearly links or associates that structure to the function recited in the claim." MPEP §2181(IV) (citing B. Braun Medical, Inc. v. Abbott Labs., 124 F.3d 1419, 1424). Even if the disclosure implicitly sets forth the structure, materials, or acts corresponding to a means-plus-function claim element in compliance with 35 U.S.C. 112, first and second paragraphs, the USPTO may still require the applicant to amend the specification pursuant to 37 CFR 1.75(d) and MPEP § 608.01(o) to explicitly state, with reference to the

terms and phrases of the claim element, what structure, materials, or acts perform the function recited in the claim element. MPEP §2181(IV).

It is first noted that the claims in question are apparatus claims. Therefore, Applicant's reliance on the VAN or WAN to teach means is misplaced. An apparatus is a device and therefore cannot comprise a network. With respect to the means for predicting a time period and means for determining whether a remaining time period exits, Applicant's arguments are persuasive. Accordingly, these means are mapped solely to logical routines because Applicant has clearly linked these routines to the respective functions recited in the claim. With respect to the means for transferring information, there is no clear disclosure in the specification that clearly links or associates software or any other structure to the function of transferring information between the networks. While such a means may be implied from transmission means 118, Applicant is requested to amend the specification to explicitly state which structure perform the transferring function.

Finally, there is no explicit disclosure of a means that performs the function of selecting an additional information transfer of a size capable of being transferred. Applicant's specification does recite selecting additional information [Figure 2 «item 216, 222»] but it does not explicitly describe a means that selects additional information of a size capable of being transferred during the remaining time period. There is implicit disclosure of structure to perform such a feature but Applicant is requested to amend the specification to more explicitly link a structure to the claimed function.

Because all of the means recited in the apparatus claims find either explicit or implicit support in Applicant's specification, the §112, 2nd paragraph rejections are withdrawn. However,

as set forth above, Applicant is requested to amend the specification pursuant to 37 CFR 1.75(d) and MPEP § 608.01(o) to explicitly state the means that perform the functions for transferring and selecting.

II. The §112, 1st paragraph rejections are maintained.

The rejection of claims 1, 3, 4, 7 under 35 U.S.C. 112, first paragraph for failing to comply with the enablement requirement is maintained. The test for enablement is whether or not the experimentation needed to practice the invention undue or unreasonable. MPEP §2164.01. Here, undue experimentation would be required because Applicant's specification provides no guidance as to how either data rate or file priority affect the calculation of predicting the time period during which communications between networks can be made.

Applicant's specification describes other methods for predicting a time period such as factoring how much a fuel a car needs and the fuel flow rate of the gasoline pumps to predict how long a VAN will be able to communicate with the service stations LAN. Another example given is measuring the speed of a first vehicle as it passes a second vehicle while travelling the same direction down the road to predict a time period which the two vehicles may communicate. There is however no help for one skilled in the art who wishes to factor data rate or file priority into the prediction calculation. Therefore, undue experimentation would be necessary to enable the claimed invention of claims 1, 3, 4, and 7.

III. The §103(a) rejections are also maintained.

As to claims 1 and 11, Applicant maintains that the cited Jiang and Van Leeuwen references do not disclose predicting a time period based on both data rate and priority. Shiobara was primarily relied upon to teach the means for selecting an additional information transfer of a

size capable of being transferred during the remaining time period. As to the data rate feature, the rejection relied on Van Leeuwen's teaching of time period estimation based on bandwidth. As to this rejection, Applicant argues that "'bandwidth' is simply not the same thing as data rate." As to the file priority feature, the rejection relied on Van Leeuwen's teaching of time period estimation based on urgency. As to this rejection, Applicant argues that "'urgency' is not the same thing as assigning a file priority to each of the files in question." As to the Shiobara reference, Applicant does not present arguments against its teaching the selection means.

Regarding the bandwidth feature, one of ordinary skill in the art would have interpreted bandwidth as being equivalent to the data rate. Bandwidth is defined as "[t]the data transfer capacity, or speed of transmission, of a digital communications system as measured in bits per second." [Microsoft Computer Dictionary, 5th Edition, pg. 50]. Similarly, date rate is defined as "the speed at which a circuit or communications line can transfer information, usually measured in bits per second." [Microsoft, pg. 144]. Based on these definitions, one of ordinary skill in the art would have viewed bandwidth and data rate as referring to the same thing, namely, speed at which a communication line can transfer information.

Applicant argues that limitations on available bandwidth does not mean that data rate cannot be varied within this bandwidth. It is unclear to which claim limitation that Applicant is referring. The claims merely recite utilizing data rate as a factor for predicting the time period. There is no limitation related to varying the data rate.

As for the file priority feature, it is first noted as described above and in the §112 rejection below, there is no guidance as to how the file priority affects the prediction of the time period during which communications between networks can be made. Instead, Applicant's

specification describes utilizing the file priority (as well as data rate, file size, and the user profile) to affect the scheduling of the files on a priority basis. Therefore, Applicant's claim limitation is interpreted in light of this disclosure. This action maintains that Van Leeuwen discloses file priority as claimed. Specifically, Van Leeuwen discloses prioritizing "transmission slot[s]" [column 6 «lines 36-42»] by giving higher priority to those devices that are closer to the dead zone. In other words, files from these devices are given higher priority within the transmission slots such that the files from devices closer to the dead zone are transmitted before other files [column 15 «lines 52-59»]. Therefore, Van Leeuwen implicitly teaches file priority.

Additionally, as to claims 7, 11 and 13, Applicant further argues that none of the cited references teach prioritizing files based on both file size. Van Leeuwen discloses determining whether a client is expecting or sending a large amount of data [column 15 «lines 31-42»] and then giving a higher priority to that client because of the size of the data. This teaching reads on Applicant's limitation directed towards prioritizing files based on file size.

Finally, as to claims 7 and 21, the rejection relied on Pyhalammi to teach a personal profile including a schedule for at least the two users. As noted by Applicant, Pyhalammi teaches a user profile that contains classes of delivery for transferring information. A profile may specify either a "delivery NOW" class or a "time delayed delivery class" that specifies information to be delivered at a later time. Pyhalammi further discloses that a schedule for delivery of information takes into account several factors, including the delivery class as well as the size of the content that can be delivered in the remaining time [column 2 «lines 11-16»]. Finally, Phyallami prioritizes the information based on the schedule and the time remaining for delivery [column 6 «lines 32-34»]. This prioritization is based on the user's profile because it is

based in part on the delivery class defined within the profile. Therefore, this teaching reads on Applicant's claimed profile feature.

For the foregoing reasons, Applicant's arguments are not persuasive. Therefore, with the exception of claim 16, the rejections as set forth in the previous action are maintained.

Allowable Subject Matter

3. After careful consideration, the rejection of claim 16 is withdrawn because the cited Lightner reference does not teach the limitations of predicting a time period based on the one of the recited factors. Therefore, claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3, 4, and 7 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, claims 1 and 7 recite a predicting means that predicts a time period based on the file size, data rate and user preference. Applicant's specification describes a scheduling

function that prioritizes the transfer of files based on file size, data rate, and user preference. Applicant's specification also describes relying on other factors, such as the speed of a car and the fuel rate of a gasoline pump to predict a time period but Applicant's specification does not describe in any way how to predict a time period based on the recited criteria. One of ordinary skill in the art would have not been able to make the invention and therefore claims 1 and 7 are rejected for failing to comply with the enablement requirement. Claims 3 and 4 are rejected based on their dependency on claim 1. For the purposes of this rejection, the limitation will be interpreted consistent with Applicant's specification and the other claims which recite prioritizing data transfer based on certain criteria.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3, 4, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang (U.S. Patent Number 6,898,432) in view Van Leeuwen et al. (U.S. Patent Number 6,597,906), hereinafter referred to as Van Leeuwen, in further view of Shiobara, U.S Patent No. 6.088.363.

6. Jiang disclosed a communication planning system that enables communication between mobile devices in a vehicle area network and base stations in a local area network when the mobile device is present in the station's coverage area. In an analogous art, Van Leeuwen disclosed a similar mobile communications system which is enhanced by taking into account the geographical position of the mobile clients in relation to communication dead zones. Further, Shiobara discloses a network transmission system that improves the ability to schedule data transmissions between units that are operating under an authorized transfer completion time [column 4 «lines 11-18»].

7. Concerning claims 1, 9, and 11, Jiang did not explicitly state executing an additional information transfer that can be completed within the remaining time period. In addition, Van Leeuwen's system explicitly calculates a remaining time period so that a determination can be made as to whether or not to attempt further information transfer [Figure 3B : items 310, 312, 314»]. Additionally, Shiobara also discloses determining whether a remaining time period exists, the remaining time period being a period between completion of a transfer and an end of the time period [column 7 «lines 20-27»].

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Jiang by adding the ability to determine whether a remaining time period exists and execute an additional information transfer that can be completed within the remaining time period as provided by Van Leeuwen. Here the combination satisfies the need for an improved mobile communications system which overcomes the problems of wasted time

and bandwidth. See Van Leeuwen, column 3, line 59 through column 4, line 6. This rationale also applies to those dependent claims utilizing the same combination.

8. Also concerning claims 1 and 11, Jiang and Van Leeuwen did not disclose means for selecting, if the remaining time period exists, an additional information transfer of a size capable of being transferred during the remaining time period. In an analogous art, Shiobara discloses relying on a limit time as a parameter for selecting additional information transfers of a size that is capable of being transferred during a remaining time period [column 5 «lines 16-24» : determining the maximum data length that can be transferred based on the remaining time allocated to the transfer]. It would have been obvious to one of ordinary skill in the art to have modified Jiang and Van Leeuwen to include Shiobara's teachings. One would have been motivated to incorporate Shiobara's selection functionality in order to optimize data delivery over networks that operate under transfer time constraints (as in Jiang and Van Leeuwen's system). Shiobara's teaching achieves such an improvement by sending only those data of the length that can be sent in the remaining time.

9. Finally, Jiang did not explicitly state predicting the time period based on both data rate and file priority [see the §112 rejection, 1st paragraph above that outlines the interpretation of this limitation]. Although Jiang discusses data rate, he is not explicit as to utilizing a file priority. However, Van Leeuwen explicitly states the use of data rate (bandwidth). Shiobara discloses transferring information based on file priority [column 6 «lines 35-39»].

It is also noted that data rate for a specific information item takes into account the file size and file priority includes an indication of importance or urgency for the item. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Jiang by adding the ability to transfer information based on both data rate and file priority as provided by Van Leeuwen and Shiobara. Again the combination satisfies the need for an improved mobile communications system which overcomes the problems of wasted time and bandwidth. See Van Leeuwen, column 3, line 59 through column 4, line 6.

10. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a method are rejected under the same rationale applied to the described claim.

11. Thereby, the combination of Jiang, Van Leeuwen, and Shiobara discloses:

- <Claims 1 and 11>

  An apparatus and a method, comprising:

  means for establishing communications between a first network and a second network in proximity to the first network (Jiang, column 5, lines 19-35 and column 10, lines 50-66);

  means for predicting a time period during which communications between the first network and the second network can be made (Jiang, column 10, lines 25-34);

means for transferring information between the first network and the second network so that said transferring means completes the information transfer within the time period (Jiang, column 11, lines 8-45); and

means for determining whether a remaining time period exists, the remaining time period being a period between completion of the information transfer by said transferring means and an end of the time period (Jiang, column 9, line 51 through column 10, line 3 | Van Leeuwen, column 4, lines 40-43 and column 17, lines 20-49 | Shiobara, column 7 «lines 21-27»);

means for selecting, if a remaining time period exists, an additional information transfer of a size capable of being transferred during the remaining time period [Shiobara, column 5 «lines 16-26 and 32-39»];

wherein said transferring means executes the additional information transfer that can be completed within the remaining time period (Jiang, column 9, line 51 through column 10, line 3 and Van Leeuwen, column 4, lines 40-43 and column 17, lines 20-49),

wherein said predicting means predicts the time period based on both of the following: data rate and file priority (Van Leeuwen, column 7, lines 48-57 | Shiobara, column 5 «lines 51-54»).

- <Claim 3>

An apparatus as claimed in claim 1, the first network comprising at least one of the following structures: a home network, a local area network, a wide area network, a vehicle area network, a personal area network, a fabric area network and a world wide network (Jiang, column 5, lines 19-35).

- <Claim 4>

  An apparatus as claimed in claim 1, the second network comprising at least one of the following structures: a home area network a local area network a wide area network, a vehicle area network, a personal area network, a fabric area network, and a world wide network (Jiang, column 10, lines 50-66).

12. Claims 7, 13, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang, Van Leeuwen, and Shiobara in further in view of Pyhalammi et al. (U.S. Patent Number 6,996,393), hereinafter referred to as Pyhalammi.

13. The combination of Jiang, Van Leeuwen, and Shiobara disclosed a communication planning system that enables communication between mobile devices in a vehicle area network and base stations in a local area network when the mobile device is present in the station's coverage area. In an analogous art, Pyhalammi disclosed a content delivery system for mobile devices that optimizes delivery by using delivery classes stored in users' profiles.

14. Concerning claims 7, 13, and 21, the combination of Jiang and Van Leeuwen did not explicitly state a priority determination for prioritizing files based on a personal profile of a user or predicting the time period based on a user preference/profile. However, Pyhalammi's system utilizes a class of delivery for each piece of content that controls the time when the content is transferred. The class of delivery can be defined by the user and may be stored in a user profile. It would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to modify the combination of Jiang and Van Leeuwen by adding the ability to utilize a priority determination for prioritizing files based on a personal profile of a user and the ability to predict the time period based on a user preference/profile as provided by Pyhalammi. Here the combination satisfies the need for a system whereby a user could specify the priority with which content is to be delivered to his or her wireless terminal device. See Pyhalammi, column 1, lines 39-45. This rationale also applies to those dependent claims utilizing the same combination.

15. Thereby, the combination of Jiang, Van Leeuwen, Shiobara, and Pyhalammi discloses:

- <Claim 7>

An apparatus, comprising:

a local area network having at least one device communicatively coupled on said local area network (Jiang, column 10, lines 50-66);

means for establishing communications with a vehicle area network having at least one device communicatively coupled in the vehicle area network (Jiang, column 5, lines 19-35);

means for predicting a time period during which communications between said local area network and the vehicle area network can be made (Jiang, column 10, lines 25-34);

means for transferring information between said local area network and the vehicle area network so that said transferring means completes the information transfer within the time period (Jiang, column 11, lines 8-45); and

means for determining whether a remaining time period exists, the remaining time period being a period between completion of the information transfer by said transferring means and an end of the time period (Jiang, column 9, line 51 through column 10, line 3 | Van Leeuwen, column 4, lines 40-43 and column 17, lines 20-49 | Shiobara, column 7 «lines 21-27»);

means for selecting, if a remaining time period exists, an additional information transfer of a size capable of being transferred during the remaining time period [Shiobara, column 5 «lines 16-26 and 32-39»];

wherein said transferring means executes the additional information transfer that can be completed within the remaining time period (Jiang, column 9, line 51 through column 10, line 3 and Van Leeuwen, column 4, lines 40-43 and column 17, lines 20-49),

said predicting means predicting the time period based on the following: file size, data rate and user preference (Van Leeuwen, column 7, lines 48-57 and Pyhalammi, column 1, lines 52-67 | Shiobara, column 6 «lines 35-39»).

- <Claim 13>

A method, comprising:

establishing communications between a local area network and a vehicle area network when the vehicle area network enters a communication range of the local area network (Jiang, column 5, lines 19-35; column 10, lines 50-66; and column 11, lines 32-40);

determining a status of the vehicle and communicating the status of the vehicle to the local area network (Jiang, column 8, lines 30-50);

predicting a time period during which the vehicle area network will remain within communication range of the local area network so that communications may occur, said predicting step being based at least in part on the vehicle status determined in said determining step (Jiang, column 10, lines 25-34);

selecting an appropriate file capable of being transferred within the time period predicted in said predicting step (Jiang, column 11, lines 13-18);

transferring the file between the local area network and the vehicle area network during the time period (Jiang, column 11, lines 8-45); and

additionally determining whether a remaining time period exists, the remaining time period being a period between execution of said transferring step and an end of the time period (Jiang, column 9, line 51 through column 10, line 3 | Van Leeuwen, column 4, lines 40-43 and column 17, lines 20-49 | Shiobara, column 7 «lines 21-27»);

if a remaining time period exits, selecting an additional file of a size capable of being transferred during the remaining time period [Shiobara, column 5 «lines 16-26 and 32-39»]; and

additionally executing said transferring step for the additional file capable of being transferred within the remaining time period (Jiang, column 9, line 51 through column 10, line 3 and Van Leeuwen, column 4, lines 40-43 and column 17, lines 20-49);

wherein the selecting of said additional file being based at least in part on a priority determination for prioritizing files based on a personal profile of at least one user so that a file having the highest priority is transferred during the first mentioned time period and a file having the second highest priority is transferred during the remaining

time period (Pyhalammi, column 1, lines 52-67 and column 6, lines 46-61), said priority determination for prioritizing files being based on both file importance and file size (Van Leeuwen, column 7, lines 48-57 | Shiobara, column 6 «lines 35-39»).

- <Claim 18>

  A method as claimed in claim 13, the local area network comprising at least one of the following structures: a home network, a wide area network, a vehicle area network, a personal area network, a fabric area network, and a world wide network (Jiang, column 10, line 50 through column 11, line 7).

- <Claim 19>

  A method as claimed in claim 13, the vehicle area network comprising at least one of the following structures: a home network, a wide area network, a personal area network, a fabric area network, and a world wide network (Jiang, column 5, lines 19-35).

- <Claim 20>

  A method as claimed in claim 13, the local area network comprising at least one of the following structures: a gas station, a truck stop, a residence, a business establishment, a restaurant, a rest area, a tourist stop, a rental car facility, a warehouse, a theater, a service station, a parking lot, a parking garage, an event stadium, and a shopping mall (Jiang, column 10, lines 50-66).

- <Claim 21>

  An apparatus, comprising:

means for establishing communications between a first network and a second network in proximity to the first network (Jiang, column 5, lines 19-35 and column 10, lines 50-66);

means for determining an amount of data to be transferred between the first network and the second network, the amount being based at least in part on a personal profile of at least one user of at least one of the first network and the second network (Jiang, column 11, lines 13-18 and Pyhalammi, column 1, lines 52-67); and

means for transferring information between the first network and the second network based at least in part on the personal profile of at the least one user, said means for transferring the information transfers the information based at least in part on a priority determination for information transfer determined by said determining means from the personal profile of the at least one user so that information having the highest priority is transferred first (Jiang, column 11, lines 8-45 and Pyhalammi, column 1, lines 52-67),

wherein the personal profile is of at least two users and wherein said means for transferring information transfers information based at least in part on a priority of a first one of the at least two users relative to another one of the at least two users determined by said determining means from the personal profiles of the first one and the another one of the at least two users (Pyhalammi, column 3, lines 18-33 and Van Leeuwen, column 6, lines 36-42 and column 15, lines 52-55), the personal profile of the at least two users including a schedule of the at least two users (Pyhalammi, column 4, lines 4-25), and said

priority determination being made on data rate, file size and file importance (Van Leeuwen, column 7, lines 48-57).

Since the combination of Jiang, Van Leeuwen, and Pyhalammi discloses all of the above limitations, claims 7, 13, and 18-21 are rejected.

16. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang, Van Leeuwen, Shiobara, Pyhalammi, as applied above, further in view of Lightner et al. (U.S. Patent Number 6,636,790), hereinafter referred to as Lightner.

17. The combination of Jiang, Shiobara, Van Leeuwen, and Pyhalammi disclosed a communication planning system that enables communication between mobile devices in a vehicle area network and base stations in a local area network when the mobile device is present in the station's coverage area. In an analogous art, Lightner disclosed a wireless diagnostic system for communication between mobile devices and remote host stations that are used to characterize a vehicle's performance.

18. Concerning claim 15, the combination of Jiang, Van Leeuwen, Shiobara, and Pyhalammi did not explicitly state determining the vehicle status or predicting the time period based on one of: engine status, passenger status, door status, trunk status, hood status, and fuel cap status. However, Lightner sets forth an on-board diagnostic system that tracks such variables in the vehicle and sends them back to host computers. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Jiang, Van

Leeuwen, and Pyhalammi by adding the ability to determine the vehicle status or predict the time period based on one of: engine status, passenger status, door status, trunk status, hood status, and fuel cap status as provided by Lightner. Here the combination satisfies the need for a system that can remotely characterize a vehicle's performance or status. See Lightner, column 2, lines 49-65.

19. Thereby, the combination of Jiang, Van Leeuwen, Shiobara, Pyhalammi, and Lightner discloses:

- <Claim 15>

  A method a claimed in claim 13, said vehicle status determining step including obtaining at least one of the following: engine status, passenger status, door status, trunk status, hood status, and fuel cap status (Lightner, abstract and column 6, lines 26-34).

Since the combination of Jiang, Van Leeuwen, Shiobara, Pyhalammi, and Lightner discloses all of the above limitations, claim 15 is rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. C./
Examiner, Art Unit 2152

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/991,090	VOSSLER, STEPHEN P.	
	Examiner	Art Unit	
	DOHM CHANKONG	2152	